

Exhibit “F”

ORIGINAL TRANSCRIPT

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AGERE SYSTEMS, INC., CIVIL ACTION
CYTEC INDUSTRIES,
INC., FORD MOTOR
COMPANY, SPS
TECHNOLOGIES LLC
and TI GROUP
AUTOMOTIVE SYSTEMS
LLC

Plaintiffs

V

ADVANCED ENVIRONMENTAL
TECHNOLOGY CORPORATION,
ET AL.

Defendants NO.
02-CV-3830 (LDD)

Oral deposition of W. LEIGH
SHORT, Ph.D., P.E., taken at the law
offices of Ballard Spahr Andrews &
Ingersoll, LLP, 1735 Market Street
42nd Floor, Philadelphia,
Pennsylvania, on Monday, December 18,
2006, at 9:41 a.m. before Jennifer
Bermudez, a Registered Professional
Reporter, and Notary Public, pursuant
to notice.



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1 Q. And that was sent after
2 that initial phone call meeting?

3 A. Yes.

4 Q. And the lawyers determined
5 that they were going to send you
6 those deposition transcripts and the
7 expert reports. Is that correct?

8 A. I believe that's correct.

9 Q. Were each you, Gordon, and
10 Jim -- is that it?

11 A. Jim.

12 Q. -- to read each of the
13 deposition transcripts and each of
14 the expert reports and all of the
15 documents on the website, or was
16 there some division of responsibility
17 after that initial phone call
18 meeting?

19 A. We all -- the documents
20 sent to us by the law firm were sent
21 to Gordon, I believe, and he gave
22 them to the rest of us. We all read
23 those documents, the ones that came
24 from the law firm.



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1 The information on the
2 website, I'm not sure that we ever
3 discussed who would do what. We each
4 looked at parts of it that was going
5 to help us understand what went on at
6 the site and understand what we felt
7 as individuals at that point,
8 Ashland's activities vis-a-vis that
9 site might or might not have to do
10 with it.

11 For example, the RI and the
12 feasibility study and the ROD
13 I believe were reviewed by all of us.
14 Others might have looked individually
15 at particular documents that the rest
16 of us did not.

17 Q. And after that initial
18 phone call meeting was there some
19 division of work that was made
20 between you, Jim, and Gordon?

21 A. Gordon was to take the lead
22 in looking at the analysis of the
23 hydrogeology/geology groundwater
24 monitoring well issues at the site



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1 such as they may be.

2 Jim was going to take the
3 lead in reviewing the testimony of in
4 particular Curley, but wherever
5 somebody said or alleged that Ashland
6 wastes were deposited and to prepare
7 a section on the chemistry of metals,
8 chemistry generally.

9 I was to take the lead in
10 looking at the remedy as it was
11 selected, what impact, if any,
12 Ashland has or had on that remedy and
13 how the remedy itself was implemented
14 and the data that was going into and
15 out of the treatment facility,
16 groundwater treatment facility.

17 Q. Now, after that initial
18 phone call meeting -- I just want to
19 make sure this is clear: What you
20 just told me, that Gordon would be
21 responsible for the hydrogeology and
22 geology, Jim would be responsible for
23 reading Curley's deposition testimony
24 and other deposition testimony having



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1 to do with where Ashland wastes may
2 have been deposited, and your
3 expertise with the remedy selection,
4 that was all decided after that
5 initial first meeting phone call?

6 A. Now, when I say
7 responsible, I do not mean that all
8 of us did not end up looking at the
9 report or reviewing it but that that
10 was the general area of gathering
11 data to help us write the report, is
12 the way we divvied those work
13 assignments up.

14 Q. And was that all after the
15 initial phone call meeting?

16 A. Yes.

17 Q. And, again, the overall
18 task after the initial phone call
19 meeting was what?

20 A. It was, as I understand it,
21 to look at all the data for the site
22 and prepare our analysis of what
23 responsibility, role, if any, Ashland
24 had in placing wastes on the site,



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1 and if they did place them what
2 impact that would have on the remedy,
3 selection, and allocation of costs
4 and general costs.

5 MS. TROJECKI: Can you read
6 that back?

7 (The court reporter read
8 back the following:

9 "A. It was, as I
10 understand it, to look at all the
11 data for the site and prepare our
12 analysis of what responsibility,
13 role, if any, Ashland had in placing
14 wastes on the site, and if they did
15 place them what impact that would
16 have on the remedy, selection, and
17 allocation of costs and general
18 costs.")

19 BY MS. TROJECKI:

20 Q. What was the next step in
21 the process, I guess, of creating
22 this expert report that we marked as
23 Exhibit 1?

24 So just to let me



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1 backtrack.

2 Gordon contacted you and
3 Jim to tell you that Ashland had
4 retained you, then you had an initial
5 phone call meeting where documents
6 were sent -- and documents were sent
7 to you, and you had some division of
8 responsibility.

9 What was next after that?

10 A. Well, I think the answer to
11 your question is in part in one of
12 the e-mails, which I expect you have,
13 which I think starts off with one
14 from Gordon that says, Here we go, we
15 have been hired, or something to that
16 effect.

17 And we, as I recall it, put
18 together what I would call a bullet
19 outline of the sorts of things that
20 we were going to do.

21 And if you look through the
22 report we were going to write a brief
23 history section, which is at the
24 front of it, we were going to look at



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1 forgotten the name of that particular
2 firm, but it came from --

3 Q. Does demaximus ring a bell?

4 A. Pardon me?

5 Q. Demaximus.

6 A. It was probably demaximus.

7 Q. Do you recall requesting
8 any other documents?

9 A. Me personally, no.

10 Q. Now, of the items on your
11 bullet outline that we discussed
12 earlier, what were you specifically
13 supposed to do?

14 A. To look at the analysis of
15 the site data vis-a-vis what Ashland
16 might have put there to see if I
17 could identify any chemicals that
18 drove the remedy in some manner or
19 another or to identify places where
20 there are chemicals that they might
21 have put there and to review our
22 final report along with the other two
23 of us to see that it was consistent
24 with what we all thought.



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1 The review of the data that
2 I looked at does not suggest to me
3 that Ashland's chemicals, assuming
4 they were put there, in any way
5 drives the remedy.

6 Q. What parts of the report
7 did you physically write?

8 A. You want it line by line,
9 page by page, or topic by topic?

10 Q. However you did it. Well,
11 let's just go through it, then.
12 Describe to me how physically the
13 report was put together.

14 A. It was done in -- well,
15 obviously electronically, but the
16 original part on the hydrogeology was
17 written by Gordon, and if you read
18 this e-mail it also refers to the
19 fact he was away from August
20 something to September something, and
21 he prepared that at the very
22 beginning.

23 Jim and I discussed the
24 testimony as we understood it and the



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1 various issues on the site, so he and
2 I between us wrote some of the
3 chemistry section, some of the
4 information where it refers to drums,
5 and some of the information on hot
6 spot areas.

7 Q. So going back, just to make
8 sure I'm clear, the part that Gordon
9 wrote on the hydrogeology, which part
10 of the report is that?

11 A. Well, he wrote -- as I
12 recall it, he wrote the history of
13 the site.

14 Q. Okay.

15 A. And you will find words in
16 here that say that he reviewed the
17 groundwater flow modeling that was
18 done by the site consulting firm, and
19 he reviewed the information in the
20 middle of Page 9, for example, where
21 you have elevations and discussions
22 on groundwater flow versus where
23 Ashland allegedly put things versus
24 flows in directions.



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1 Q. So we know that Jamieson
2 wrote the history. Did he also
3 write, then, all of Opinion 3?

4 A. What page are you on now,
5 I'm sorry?

6 Q. Page 8. The bottom of Page
7 8.

8 A. I don't believe he wrote
9 all of that, no.

10 Q. Which paragraphs did he
11 write?

12 A. I don't -- other than the
13 actual data that comes in here on
14 groundwater flow, we don't write
15 reports that way. We typically have
16 a draft and then we all edit it and
17 write it.

18 Q. So how does the draft get
19 created?

20 A. It was pulled together in
21 the middle of September by basically
22 Jim and myself, because Gordon at
23 that time was in Europe.

24 Q. Now, in the initial draft



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1 did Gordon write the site history?

2 A. Yes.

3 Q. And other than that, the
4 initial draft was written by you and
5 Jim. Is that correct?

6 A. Parts of it. Gordon had
7 prepared a lot of information that
8 you will find scattered through the
9 rest of it on groundwater and
10 groundwater flows and elevations.

11 Q. But physically who wrote
12 it?

13 A. Jim wrote most of it. I
14 rewrote and helped write parts of it.

15 Q. Did you write any part of
16 the first draft?

17 A. Yes.

18 Q. Which part?

19 A. Some of the information on
20 management of landfill sites and some
21 of the information that is the
22 summary of Opinion 3 which says that
23 we don't believe that that has any
24 effect on the remedy.



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1 Q. And where in the report
2 does it speak about the management of
3 landfill sites?

4 A. In the middle -- top of
5 Page 8 there's some information there
6 about poor waste management practices
7 at the site.

8 Q. And you are referring to
9 the paragraph that starts, "Many acid
10 wastes were disposed about the site"?

11 A. Yes.

12 Q. And ends with, "Under
13 natural conditions most drums would
14 have lost their integrity." Did you
15 write that whole first paragraph?

16 A. I wrote a draft of it. I'm
17 not sure I wrote it in this final
18 form to get to the end of it.

19 Q. And in Opinion 3 which part
20 did you write the first draft of?

21 A. Back to where you get the
22 summary of it, on Page 10.

23 Q. Did you write any other
24 parts of Opinion 3 in the first



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1 draft?

2 A. I edited them.

3 Q. But did you write any on
4 the first draft?

5 A. I don't think so.

6 Q. So other than that one
7 paragraph on Page 8 and the summary
8 of Opinion 3, did you write any first
9 drafts of any other paragraphs in
10 this report?

11 A. I wrote the Opinion 3B
12 section where it talks about hot spot
13 areas and VOCs.

14 Q. Anything else?

15 A. The material at the top of
16 Page 9 where again it identifies some
17 hot spots.

18 Q. Are you referring to the
19 paragraph that starts, "Three hot
20 spots"?

21 A. Yes.

22 Q. And where did you write --
23 where is that in, the part that you
24 wrote?



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1 A. What do you mean where is
2 it?

3 Q. It starts with, "Three hot
4 spots." Did you write just the first
5 paragraph, or did you write the first
6 two paragraphs?

7 A. I was involved in the
8 writing of all of it, but I put up a
9 draft of the first paragraph, as I
10 recall it.

11 And to re-emphasize what I
12 said before, what I was particularly
13 looking for was to make a
14 professional judgment as to whether
15 the chemicals that are driving the
16 remedy were placed on that site by
17 Ashland, which is why I was so
18 interested in what are the chemicals
19 of concern that were listed and what
20 are the drivers that are in the
21 groundwater, which tend to be things
22 like TCE and DCA, et cetera, which
23 were not things, to my understanding,
24 that Ashland put there.



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1 the extent that metals are mobilized
2 under acid conditions.

3 A. Uh-huh.

4 Q. Can you tell me what if the
5 metals were not already in strong
6 acids; in other words, Opinion 1C
7 also applies to other metal treatment
8 wastes, so how does Opinion 1C affect
9 the other metal treatment wastes that
10 are not in acids?

11 A. If -- well, let me back up
12 a little bit.

13 The sentence is saying that
14 the metals typically from pickling
15 waste come already in the acid. If
16 one were to encounter other metal
17 treatment wastes from whatever
18 source, they may or may not come in
19 an acidic stream.

20 If they are disposed of in
21 a place where there is not acid,
22 where it is not acidic, their
23 mobility or ability to mobilize would
24 be different than the ones that are



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1 already in the acid.

2 Q. Okay.

3 A. And to answer the other
4 metal treatment wastes, it would
5 depend where the stream is, whether
6 it had acid in it, and where it went,
7 physically on the site, I mean.

8 But 1C as written -- what
9 we are trying to say is that because
10 Ashland's wastes to our knowledge did
11 not have metals, look elsewhere for
12 the sources.

13 Q. Okay. When you talk about
14 the high groundwater flow rate,
15 what's the basis for that statement
16 that the groundwater flow rate is
17 high?

18 A. At some point in the
19 documents there is a statement or
20 data that suggests the groundwater
21 flow rate is something like 500 feet
22 per year, as I recall it.

23 As groundwater flow rates
24 go, that's a fairly large number.



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1 That's what that means.

2 Q. Do you recall what document
3 that was contained in?

4 A. No, I do not. Nor do I
5 recall if my memory is correct that
6 that was 500.

7 Q. I just want you to take a
8 look at the groundwater model report
9 for OU1 and just tell me if this is
10 the document that you are speaking of
11 that references a high groundwater
12 flow rate.

13 A. I believe the answer is
14 yes, and I would further tell you
15 that this document is well within the
16 expertise of Gordon versus me.

17 MR. BIEDRZYCKI: Can we
18 just read the Bates number into the
19 record?

20 MS. TROJECKI: Sure. It's
21 PHKS 061239.

22 MR. BIEDRZYCKI: Thank you.

23 BY MS. TROJECKI:

24 Q. Is this document the only



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1 basis for your statement that the
2 groundwater flow rate is high?

3 A. You would have to ask
4 Gordon that.

5 Q. Is the groundwater flow
6 rate high at all areas of the site?

7 A. My understanding is it is,
8 from briefly talking with Gordon
9 about it, if you will.

10 Q. On Page 4 of your report in
11 the second sentence of the paragraph
12 under the bullets you discuss "The
13 metals, acids and chlorinated organic
14 solvents found on the site are
15 consistent with those known to be
16 used in the metal plating and
17 finishing operations."

18 What chlorinated organic
19 solvents are you talking about?

20 A. Primarily TCE, which is
21 used as a degreasing chemical.

22 Q. Anything else?

23 A. That's the primary one.

24 Q. Did you do any analysis



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1 into whether TCE was from any other
2 sources other than metal plating
3 operations?

4 A. Not directly, no.

5 Q. And what's the basis for
6 your statement that the TCE found on
7 the site is consistent with metal
8 plating and finishing operations?

9 A. TCE in the time frame of
10 the 1960s and '70s was very commonly
11 used as a degreasing chemical in
12 industrial facilities. And in my
13 experience there are not too many of
14 them that didn't use it as a
15 degreaser.

16 Q. Is that the only basis?

17 A. That's my basis, yes.

18 Q. And that's your only basis
19 for that statement?

20 A. Well, you can also, I
21 believe, look in the cited referenced
22 EPA reports and find that chlorinated
23 organic solvents are often found in
24 or with those discharges.



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1 Q. Okay. Anything other than
2 the EPA reports and your
3 understanding that TCE was used as a
4 degreaser during the 1970s at plating
5 operations?

6 A. No. As I said, two things,
7 we weren't asked to go and do all the
8 checking of what individual people
9 might or might not have sent to
10 this -- in my personal experience, I
11 have probably worked on 20 to 30
12 sites that used TCE as a degreaser, a
13 wide variety of manufacturing
14 facilities.

15 Q. So not just metal plating
16 operations?

17 A. No. It's widely used, or
18 was widely used.

19 Q. On Page -- the bottom of
20 Page 4 of your report, Opinion 1D,
21 you make reference to a statement
22 from Vandeven's report, and I just
23 want to call your attention to the
24 last sentence on Page 4.



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